

**Brookline Board of Appeals  
January 29, 2015, 7:00 PM  
Public Hearing**

**333 Washington Street  
Selectmen's Hearing Room, 6<sup>th</sup> Floor**

*Board Members Present: Jesse Geller (Chairman), Johanna Schneider, Avi liss*

*Staff Present: Michael Yanovitch (Building Department), Jay Rosa (Zoning Coordinator)*

**260 Beverly Road**

**Proposal:** Legalize side-yard setback and prospectively approve FAR relief to create a buildable adjacent rear lot

**Zoning District:** S-7 (Single-Family)

**Precinct:** 16

**Board Decision:** Continuance without prejudice granted for **March 26, 2015** at 7:00PM

**43 Glen Road**

**Proposal:** Demolish garage and replace with a one and a half story addition, and construct a single-story addition at the rear

**Zoning District:** S-7 (Single-Family)

**Precinct:** 5

**Board Decision:** Continuance without prejudice granted for **March 12, 2015** at 7:00PM

**86 Babcock Street**

**Proposal:** Convert a single to a two-family dwelling and construct a second driveway

**Zoning District:** T-5 (Two-Family and Attached Single-Family)

**Precinct:** 8

**Board Decision:** Relief request **granted** subject to conditions

*Minutes shall be posted on the Town of Brookline website (<http://www.brooklinema.gov/564/Zoning-Board-of-Appeals>) upon approval. Draft minutes shall be made available upon request.*

*Decisions shall be posted on the Town of Brookline website ([www.brooklinema.gov](http://www.brooklinema.gov)). Appeals, if any, shall be filed with land court or superior court within twenty days after the date of filing of such notice in the office of the town clerk.*

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**7:00 PM**

**260 Beverly Road** – Legalize side-yard setback and prospectively approve FAR relief to create a buildable adjacent rear lot

Board Chairman, Jesse Geller opened the hearing and called case #2014-0077.

Applicant attorney Bailey Gaffney indicated that the applicant is seeking a continuance without prejudice. Ms. Gaffney requested March 26, 2015 at 7:00pm as the reschedule date.

**Unanimous approval of continuance request**

**43 Glen Road** – Demolish garage and replace with a one and a half story addition, and construct a single-story rear addition

Board Chairman Jesse Geller called case #2014-0081.

Applicant attorney Bailey Gaffney indicated that the applicant is seeking a continuance without prejudice. Ms. Gaffney requested March 12, 2015 at 7:30pm as the reschedule date.

**Unanimous approval of continuance request**

**86 Babcock Street** – Convert from single-family to a two-family dwelling and construct a second driveway

Board Chairman Jesse Geller called case #2014-0076 and reviewed standard hearing procedure.

Applicant attorney Bailey Gaffney (Law Office of Robert Allen Jr. – 300 Washington Street, Brookline) waived the reading of hearing notice for the record, and introduced Belinda Hunsinger (property owner), Blair Hynes (landscape architect), Dartagnan Brown, and Owen Thomas (architects – Embarc Studio).

Ms. Gaffney described the property at 86 Babcock Street as being within a T-5 (Two-Family and Attached Single-Family) residential district. The property is behind the Devotion School and

directly across the street from Dwight Square. Surrounding structures vary from single-to multi-family dwellings.

The home is in poor condition and the applicant is proposing significant renovations, conversion to a two-family dwelling, and the construction of a second driveway at the western end of the property.

Two driveways will provide tandem parking for two-vehicles each. Similar parking proposals were presented before the Planning Board twice and finally resulted in the current parking layout. Planning Board members were split in their support of the project 3-3.

Chairman Geller asked for further description of the proposed parking allocation.

Ms. Gaffney stated that two parking spaces in the existing driveway on the right are designated for residential unit 1 and two parking spaces in the new driveway at the left are designated for residential unit 2.

Dartagnan Brown described how the parking plan had developed based on resident and Planning Board input. 4 tandem parking spaces in the existing drive did not seem feasible and generated significant safety concern. The new driveway can adequately serve two residential units and create minimal impact on the abutting property at 80-82 Babcock Street. Mr. Brown also referenced that the neighborhood displays a pattern of driveways in which one is located between each residential structure, describing it as being rhythmic.

Chairman Geller asked if any other homes in the neighborhood have two driveways, regardless of the number of residential units.

Ms. Gaffney stated that properties in the area had improved, expanded, or reconfigured driveways but none in the immediate area maintain two driveways.

Landscape Architect, Blair Hynes, stated that parking and landscaping plans resulted from a clear goal to make the front of the home attractive and minimize visual impact. Mr. Hynes also highlighted pervious materials in both driveways as counterbalancing amenities.

Board Member, Johanna Schneider, questioned if there is enough room at the rear of the property for a larger parking surface or a turn-around area.

Mr. Hynes stated that similar options were explored but would result in significantly more pavement and the loss of rear-yard open space. Ms. Gaffney stated that an expanded single-driveway would also require a special permit (extend non-conformity) and any attempt to reduce parking requirements would require a variance.

Ms. Gaffney reiterated that the two driveway plan is the most realistic to support the conversion to a two-family dwelling, which is allowed as of right. In Ms. Gaffney's opinion, this parking plan also fulfills the requirements for a special permit as outlined in By-Law Section 9.05.

Mr. Geller called for any public comment in favor of, or in opposition to the proposal. No members of the public wished to comment.

Mr. Geller requested that Jay Rosa (Zoning Coordinator) deliver the opinion of the Planning Board. Mr. Rosa stated that the Planning Board was split in evaluating this proposal. Board Members in favor agreed that the two-driveway layout results in the least impact and can even be an amenity if designed properly. Board members in opposition cited safety concerns from additional back-out driveways and reduced sight lines resulting from an existing street tree in close proximity to the proposed driveway. A new curb cut also has the potential to damage the root system of this street tree. If the Zoning Board of Appeals finds that the requirements for special permit have been met, the Planning Board recommended the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site and landscaping plan, indicating all counterbalancing amenities, including decorative paving for both the new driveway and front of the existing driveway, and screening landscaping and/or fencing, subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall obtain approval for creation of a new curb cut from the Department of Public Works, and submit copies of this approval to the Building Department and Department of Planning and Community Development.
3. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) final floor plans, stamped and signed by a registered architect; 2) a final site plan, stamped and signed by a registered engineer or land surveyor; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Geller requested that Michael Yanovitch deliver the opinion of the building department. Mr. Yanovitch stated the Building Department had no opposition to the proposal. Section 5.05 of the Zoning By-Law permits the conversion to a two-family dwelling and the parking layout remains as the primary point of debate. The 2 separate tandem parking areas are much safer than the 4 tandem single driveway. Additionally, this proposed layout provides tandem spaces that are under common ownership which will result in less difficulty and communication required to back out vehicles. Mr. Yanovitch also stated that the applicant could propose one compliant parking space in the new driveway, but has elected to go through the special permit process in order to achieve a more effective parking layout, albeit non-conforming to side-yard dimensional requirements.

#### *Board Deliberation*

Chairman Geller stated that the applicant has presented A or B scenarios to provide adequate off-street parking that the Board should decide between. This was an incorrect assumption according to Mr. Geller. In Mr. Geller's opinion, these parking proposals were not the only solutions to the parking challenge for this conversion to a two-family.

Board Member, Johanna Schneider expressed her support for the two-driveway parking plan and believed that it is clearly the safest option.

Mr. Geller reiterated that he did not believe either the single or double driveway plans to be the most appropriate solution, and it is not clear if either satisfies the conditions for a special permit (§9.05).

Board member, Avi Liss, agreed that the 4-car tandem single driveway option is unworkable, but the two driveway option does present a threat of similar future proposals in the neighborhood. Mr. Liss agreed that the By-Law establishes a preference for tandem parking spaces to be under shared ownership, supporting the two-driveway layout.

Board Members acknowledged that special permit/variance decisions do not establish precedent, and must be evaluated on a case by case basis. However, the Board remained concerned that a favorable decision in this instance may encourage similar proposals within the neighborhood. Mr. Liss also stated that the most impacted abutter at 80-82 Babcock Street (Dantzig) has expressed opposition to this proposal before the Board.

Ms. Schneider reiterated that the applicant has explored a variety of options for the property, and the second driveway plan is the most appropriate.

Mr. Liss believed that the greenspace between 80-82 Babcock Street and 86 Babcock Street is one of the only instances in the immediate neighborhood where a driveway is not located between each residential structure. This layout is unique within the neighborhood, thus avoiding the establishment of a precedent, and a new driveway in this location is consistent with the existing streetscape.

Mr. Geller requested that the applicant confirm all provided counterbalancing amenities for the necessary relief.

Ms. Gaffney cited permeable pavers (for the new driveway and the front of the existing driveway), a fence and plantings between the new driveway and 80-82 Babcock Street, and front-yard plantings near the new curb cut.

Mr. Geller concurred with Ms. Schneider and Mr. Liss' support for the proposed parking layout but reiterated his reluctance for the record.

**Unanimous grant of requested relief, subject to conditions recommended by the Planning Board.**

**Hearing Closed.**